

**HONORABLE DAVID G. ESTUDILLO**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

MAVERICK GAMING LLC,

Case No.: 22-cv-05325-DGE

**Plaintiff,**

V.

UNITED STATES OF AMERICA, et al.,

**SHOALWATER BAY TRIBE'S NOTICE  
OF SUPPLEMENTAL AUTHORITY IN  
SUPPORT OF MOTION FOR LIMITED  
INTERVENTION**

### Defendants.

1 Specially appearing proposed-limited-intervenor, the Shoalwater Bay Indian Tribe of the  
2 Shoalwater Bay Indian Reservation (“Tribe”), pursuant to Local Civil Rule 7(n) submits this  
3 Notice of Supplemental Authority in support of its pending Rule 24 Motion (Dkt. 68). The  
4 supplemental authority, *Klamath Irrigation District et. al. v. United States Bureau of Reclamation*  
5 *et. al.*, \_\_\_4th\_\_\_, 2022 WL 4101175 (9th Cir. 2022) (courtesy copy attached as Exhibit 1), was  
6 issued on September 8, 2022, after the Tribe submitted its reply brief on August 19, 2022, (Dkt  
7 79).

8       *Klamath Irrigation District* discusses at \*7-8, both *Dine Citizens Against Ruining Our*  
9 *Env’t v. Bureau of Indian Affairs*, 932 F.3d 843 (9th Cir. 2019) and *Southwest Center for Biological*  
10 *Diversity v. Babbitt*, 150 F.3d 1152, 1154 (9th Cir. 1998), which address the applicability of Rule  
11 19 in cases affecting protectable tribal interests. Plaintiff Maverick Gaming LLC (“Maverick”)  
12 discusses these two cases in its Opposition to the Tribe’s Rule 24 Motion (Dkt. 78 at 5–7). The  
13 Tribe discusses these two cases in its reply brief in support of its Rule 24 Motion (Dkt. 79 at 2-6)  
14 and in its [Proposed] Rule 19 Motion (Dkt. 68-1, *passim*).  
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16       Although the Tribe’s [Proposed] Rule 19 Motion (Dkt. 68-1) is not presently before the  
17 Court, Maverick has argued in its Response in Opposition that the Rule 24 Motion should be  
18 denied because the [Proposed] Rule 19 Motion should be denied, discussing both *Dine Citizens*  
19 and *Southwest Center* (Dkt. 78 at 5-7). The fact that the Ninth Circuit’s law regarding Rule 19  
20 continues to evolve, as most recently articulated in *Klamath Irrigation District*, also is relevant to  
21 Tribe’s position set forth in its Rule 24 Reply Brief that the Rule 24 Motion should first be granted  
22 and thereafter the Rule 19 Motion can be fully briefed by all parties and in any potential *amici*  
23 brief filed by other affected Tribes (Dkt. 79 at 1).  
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25       Respectfully submitted this 12th day of September, 2022.  
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Respectfully submitted,

s/ Scott D. Crowell  
SCOTT CROWELL (WSBA No. 18868)  
CROWELL LAW OFFICES-TRIBAL  
ADVOCACY GROUP  
1487 W. State Route 89A, Suite 8  
Sedona, AZ 86336  
Telephone: (425) 802-5369  
Fax: (509) 290-6953  
Email: [scottcrowell@hotmail.com](mailto:scottcrowell@hotmail.com)

Lael ECHO-HAWK (WSBA No.  
MThirtySix, PLLC  
700 Pennsylvania Avenue SE  
The Yard – 2<sup>nd</sup> Floor  
Washington, D.C. 20003  
Telephone: (206) 271-0106  
Email: [Lael@MThirtySixPLLC.com](mailto:Lael@MThirtySixPLLC.com)

*Attorneys for Proposed Limited Intervenor  
Shoalwater Bay Indian Tribe*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2022, I filed the foregoing Notice of Supplemental Authority in Support of Motion for Limited Intervention with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record in this matter.

DATED: September 12, 2022

s/ Scott D. Crowell  
SCOTT CROWELL (WSBA No. 18868)  
CROWELL LAW OFFICES-TRIBAL  
ADVOCACY GROUP  
1487 W. State Route 89A, Suite 8  
Sedona, AZ 86336  
Telephone: (425) 802-5369  
Fax: (509) 290-6953  
Email: [scottcrowell@hotmail.com](mailto:scottcrowell@hotmail.com)